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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,644	11/13/2001	Jonathan S. Goldick	MS146892.40062.94US01	6276
7590	08/10/2005		EXAMINER CHOUDHURY, AZIZUL Q	
Timothy B. Scull Merchant & Gould P.C. P.O. Box 2903 Minneapolis, MN 55402-0903			ART UNIT 2145	PAPER NUMBER

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/992,644

Applicant(s)

JONATHAN S. GOLDICK

Examiner

Azizul Choudhury

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/13/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/02 and 4/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Detailed Action***

The following action is in response to the correspondence received on May 20, 2005.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9, 11 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims use the language "advisory." It is indefinite as to what "advisory" distinctly claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-12 are rejected under 35 U.S.C. 102(a) as being anticipated by the article "Performance of the IBM General Parallel File System," by Terry Jones, et al, hereafter referred to as Jones.

1. With regards to claim 1, Jones teaches a method of locking a resource in a distributed environment, the method comprising: receiving a request to access the

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resource, wherein the request originates from a requesting client computer system; creating a lock having a predetermined type, wherein the predetermined type provides availability to other client computer systems for predetermined purposes; providing a lock token related to the created lock to the requesting client computer system; and performing the requested access (Jones describes the GPFS system by IBM. The system allows for concurrent access to files and allows for the files to be locked. The system uses tokens to negotiate access rights to files and allows for modifications to files to be made according to negotiated access rights (Sections 2, 2.1 and 2.2, Jones)).

2. With regards to claim 2, Jones teaches a method wherein the request to access the resource provides an indication as to the type of access and to the type of lock to be created during the access, said method further comprising:

prior to the act of creating a lock, determining whether the resource is locked by another client computer system; and wherein the act of creating a lock only occurs if no existing lock conflicts with the type of access requested or the type of lock requested (GPFS has means by which to check for existing holds. It also allows for the hold information (tokens) to be used to negotiate the appropriate rights to a user (Section 2.1, Jones)).

3. With regards to claim 3, Jones teaches a method wherein the predetermined type of the lock provides other client computer systems access to the resource for the purpose of reading the resource (GPFS uses hold information (tokens) to be used to negotiate

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the appropriate rights for a user (Section 2.1, Jones). Read rights are one such right (Section 2.2, Jones)).

4. With regards to claim 4, Jones teaches a method wherein the predetermined type of the lock provides other client computer systems access to the resource for the purpose of writing the resource (GPFS uses hold information (tokens) to be used to negotiate the appropriate rights for a user (Section 2.1, Jones). Write rights are one such right (Section 2.2, Jones)).

5. With regards to claim 5, Jones teaches a method wherein the predetermined type of the lock provides other client computer systems access to the resource for the purpose of deleting the resource (GPFS uses hold information (tokens) to be used to negotiate the appropriate rights for a user (Section 2.1, Jones). Update, read and write rights are some of the rights (Section 2.2, Jones). It is inherent that with file access rights being granted based on authorization that with the proper authorization, deletion means are present within the design).

6. With regards to claim 6, Jones teaches a method wherein the predetermined type of the lock provides other client computer systems access to the resource for the purpose of two of the following: reading, deleting and writing the resource (GPFS uses hold information (tokens) to be used to negotiate the appropriate rights for a user (Section 2.1, Jones)).

7. With regards to claim 7, Jones teaches a method wherein the resource may be locked by more than one client computer system (GPFS allows for concurrent access to a single file (Section 2, Jones). Hence, it is inherent that files are accessible by multiple clients at the same time).

8. With regards to claim 8, Jones teaches a method wherein the requesting client computer system requests the type of lock to be created and a server computer system creates and maintains the lock (GPFS uses a token manager server (Section 2.1, Jones)).

9. With regards to claim 9, Jones teaches a method wherein the lock is advisory (GPFS allows for file locks (Section 2, Jones)).

10. With regards to claim 10, Jones teaches a computer program product encoded upon a computer readable medium readable by a computer and encoding instructions for executing the method recited in claim 1 (GPFS can be implemented as a software (Section 2.1, Jones)).

11. With regards to claim 11, Jones teaches a method of maintaining an advisory lock on a resource in a distributed environment, the method comprising: receiving an access request for the resource from a requesting client computer system; determining whether

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the resource is locked by another computer system; if the resource is locked by another computer system with a conflicting advisory lock then denying access if the requesting client computer system honors advisory locks; and performing the access if the requesting client computer system does not honor the advisory lock or if the resource is not locked with a conflicting lock (Jones describes the GPFS system by IBM. The system allows for concurrent access to files and allows for the files to be locked. The system uses tokens to negotiate access rights to files and allows for modifications to files to be made according to negotiated access rights (Sections 2, 2.1 and 2.2, Jones)).

12. (Currently amended) A computer program product encoded upon a computer readable medium readable by a computer and encoding instructions for executing the method recited in claim 11 (GPFS can be implemented as a software (Section 2.1, Jones)).

13. (Original) A computer-readable medium having stored thereon a locked resource, wherein the locked resource comprises: a resource object data section for storing actual object data; and a lock object, wherein the lock object may comprise one or more of the following properties: nosharewrite, nosharedelete, noshareread, and advisory (GPFS uses hold information (tokens) to be used to negotiate the appropriate rights for a user (Section 2.1, Jones)).

### ***Response to Remarks***

In response to correspondence received May 20, 2005, a new search has been performed and a new office action has been compiled. It is felt that the claimed invention is a distributed file system with access rights built in for regulating file access. Such means are present within numerous systems including the GPFS system disclosed within the Jones prior art.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Azizul Choudhury whose telephone number is (571) 272-3909. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on (571) 272-6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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A handwritten signature in black ink, appearing to read "Andrew Caldwell". The signature is fluid and cursive, with a large initial "A" and a stylized "C" at the end.

AC

**ANDREW CALDWELL  
SUPERVISORY PATENT EXAMINER**